

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:04CR46  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MICHAEL D. MOORE, )  
 )  
 Defendant. )

**ORDER**

IT IS ORDERED that:

- (1) The government's oral request for a Rule 35 hearing is granted.
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 38) has been scheduled before the undersigned United States district judge on Wednesday, October 18, 2006, at 12:15 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
- (4) The Marshal is directed not to return the defendant to the district.
- (5) The defendant is held to have waived his right to be present.

October 17, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge